

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Aruchunan Anthony Armstrong,

Plaintiff,

vs.

ORDER

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

Civ. No. 07-4310 (JNE/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. That the Plaintiff's Motion for Summary Judgment [Docket No. 17] is denied, but without prejudice.
2. That the Defendant's Motion to Dismiss [Docket No. 29] is granted, as to the Plaintiff's claims under the Social Security Act, for failure to exhaust his administrative remedies.
3. That the Defendant's Motion to Dismiss [Docket No. 29] is granted, as to the Plaintiff's claims under the Federal Tort Claims Act, for failure to exhaust his administrative remedies, but without prejudice.

4. That the Plaintiff's Complaint is dismissed, in its entirety.

BY THE COURT:

DATED: August 4, 2008

s/ Joan N. Ericksen
Judge Joan N. Ericksen
United States District Court